

**DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM
BOARD OF MANAGERS
PUBLIC SESSION MEETING MINUTES
March 21, 2019**

OPENING AND ATTENDANCE

The Board of Managers meeting was held at the Delaware Criminal Justice Information System located in Dover, Delaware. Lt. Calhoun called the meeting to order at approximately 10:00 a.m.

Those in attendance included:

BOM MEMBERS

Gregory Patterson	DOJ
Marian Bhate	ODS
Lt. Fred Calhoun	NCCPD
Renee Rigby	DSP
Justin Day	DTI
Marianne Kennedy	JP Court
Phil Winder	DOC
Michelle Hoffman	Family Court
Michelle Darling	DSCYF
Elmer Setting	AOC

STAFF

Earl McCloskey	DELJIS
Mary Hansen	DELJIS
Michael Kelly	DELJIS
Lynn Gedney	DELJIS
Alyssa Huenke	DELJIS
Lisa Morris	DAG

PUBLIC AND NON-VOTING PARTIES

Capt. Benjamin Parsons
Isabella Kaplan
Tabatha Offutt-Powell
Jim Fitzgerald
Tim Lambert

I. REVIEW AND APPROVAL OF MEETING MINUTES

BOM Public Session Minutes – Ms. Bhate made a motion to approve the January Board of Managers public session meeting minutes. Mr. Patterson seconded the motion. All in favor, motion carried.

II. DELJIS ACCESS APPLICATIONS

- Delaware Division of Public Health – Ms. Hansen advised that the Delaware Division of Public Health is requesting de-identified crime data for use on their crime mapping website. She stated that DPH already has DELJIS access for the National Violent Death Reporting System to gather information to understand how and when violent deaths occur. That information is used to inform law enforcement, public health officials, violence prevention groups, and policy makers about the best ways to reduce violence in Delaware. Ms. Hansen advised that DPH is requesting de-identified crime data relating to non-fatal and fatal drug overdoses, suicide attempts, homicides, and suicides.

Dr. Tabatha Offutt-Powell provided an overview of the project that the requested information will be used for. She advised that DPH is creating a public-facing

website called My Healthy Community. DPH has information that will be released in May including drug overdose deaths from 2011-2017, emergency department visits for non-fatal drug overdoses, prescription drug monitoring data, suicide attempts, and sociodemographic information from the census. Dr. Offutt-Powell added that there will be a HIPPA Compliance Review of the website before it is released. She stated that DPH will not be publishing any public information that would be able to be used with other data sets to identify a person.

Ms. Rigby asked Dr. Offutt-Powell if the information that DPH currently collects about violent deaths will go on the website. Dr. Offutt-Powell advised that it will in aggregate form. There were no further questions or concerns from the Board.

Ms. Bhate made a motion to approve the request from the Delaware Division of Public Health for de-identified crime data to be used for My Healthy Community. Mr. Patterson seconded the motion. All in favor, motion carried.

- Apartment Access

A motion was made by Mr. Patterson to enter Executive Session pursuant to 29 Delaware Code §10004 to discuss criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy, and/or to discuss documents excluded from definition of public record where such discussion may disclose the contents of such documents, including pursuant to §10002 (l)(3)(5)(6)(9) and seconded by Ms. Bhate. All in favor, motion carried.

After returning to Public Session, Lt. Calhoun advised that he views Arbor Management as the model of how information is obtained and used from DELJIS; however he is concerned about how the Board would be able to hold the other complexes to the same standard. Mr. Patterson asked how many other complexes currently have access to DELJIS. Ms. Hansen advised that seven other complexes have access. Ms. Kennedy noted that, based on what Ms. Hansen presented, it seems as though the majority of the apartment complexes use DELJIS for the initial screening of housing applicants, whereas Arbor Management uses CoreLogic. Mr. Patterson pointed out that in Arbor Management's case, it is reassuring that a former law enforcement officer is the individual responsible for conducting the DELJIS checks, but recognized that will not always be the case at other apartment complexes.

Mr. Winder mentioned how much information the DELJIS users at apartment complexes have access to. He stated that he believes there is a need for the apartment complexes to have a method of ensuring the safety of the property, but that there needs to be consistency in what is being provided. Mr. Winder mentioned previous conversation about a red light/green light system. Ms. Kennedy added that there are already inconsistencies because some complexes are using DELJIS for the initial screenings, while others are using a third party for initial screenings for new residents. She advised that maybe the Board should consider not allowing DELJIS to be used for the initial check for new residents.

Captain Parsons asked if there was any concern about letters being provided to residents that states a visitor cannot stay because of their criminal history. Captain Parsons added that he believes in what Arbor Management is doing for the community, but he thinks that the letter addressed to residents needs to be re-examined. Mr. Setting mentioned how Arbor Management has had an incredible impact on the communities they manage in New Castle County. He added that the Board has the discretion of allowing DELJIS access to these complexes on a case by case basis and that he would not want to hinder an entity that has set the bar so high. There was more discussion about the letter provided to residents when a visitor is not permitted to be on the property. DAG Morris advised that she will work with the management company to rephrase the letter using a more generic statement.

Ms. Bhate stated that she is in favor of using an MOU with the apartment complexes to define the access provided and how it is to be used. DAG Morris described the MOU that is used for the apartments. Mr. Day asked about the process of how users get approved once the apartment complex is approved for access. DAG Morris advised that first the agency applies for access, and then the individual user will apply, have a background check, DELJIS training, and be required to sign the Acceptable Use Policy and the DELJIS Rules and Regulations. The agency has an obligation to notify DELJIS of any change in users. DAG Morris added that DELJIS can deny an individual access based on criminal history pursuant to the DELJIS Rules and Regulations.

- Indirect Access – DAG Morris advised that, in recent months, the Board has been discussing incorporating guidelines for indirect access in the DELJIS Regulations. She drafted regulations that define contractors and contracting government agencies, require information to be shared via secured email that disables the ability to forward or print the information, and outline responsibilities of contractors relating to appropriate use and access to information. DAG Morris stated the Board needs to decide if they want to move forward with the proposed regulations or allow the contracting agencies to have direct access if they have been awarded an RFP. Ms. Rigby advised that issues with contractors receiving certain information came up from a federal standpoint recently, as well.

DAG Morris stated that the regulations were just one proposal to address the issue of how information is maintained, protected, and relayed to those individuals with indirect access. She added that the Board could decide that to proceed with the regulations and, in some cases, bring the entity before the Board and provide direct access. DAG Morris advised that having the transmission process in the rules teaches agencies how to provide information appropriately and holds the agencies accountable for proper transmission. She added that if the Board proceeds with the regulations, the process for transmission would then become a public document that is readily accessible.

Ms. Rigby advised that she is in favor of adding these provisions to the regulations. Ms. Bhate agreed, stating that it is better to have the expectations clearly defined than up for interpretation. There was discussion about proceeding with the regulations and whether or not to allow contracting agencies the opportunity to apply for direct access. Lt. Calhoun advised that he is more comfortable providing indirect access than direct access. He stated that it could potentially be difficult to monitor and regulate in the future. Mr. Patterson agreed that he is more comfortable with providing indirect access with responsibility on the state agency and suggested the Board move forward with the regulation. DAG Morris advised that she will prepare proposed regulations to be reviewed and approved during the April meeting. She will then submit the regulation for publication in the Register of Regulations. She added that the Board can allow public comment by mail or other means for thirty days. If there are no substantive changes after public comment, the regulation would be effective September 1st.

III. COMMITTEE REPORTS

There were no committee reports.

IV. OLD BUSINESS

- Automated Usage Statistics – In the interest of time, Mr. McCloskey did not review the Automated Usage Statistics.
- Project Status Report – In the interest of time, Mr. McCloskey did not review the Project Status Report.

V. NEW BUSINESS

There was no discussion concerning new business.

VI. PUBLIC COMMENT

There was no public comment.

VII. ADJOURNMENT

A motion was made by Ms. Bhate to adjourn the meeting at approximately 11:40 a.m. The motion was seconded by Ms. Rigby. All in favor, motion carried.